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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Joyce Dafne DAVENPORT (D1),** and **Jaime LOPEZ-Garcia (D2),** Defendants,	Magistrate Case No.__________ COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii) Bringing in Illegal Alien(s) Without Presentation; Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

'08 MJ 2680

The undersigned complainant being duly sworn states:

Count I

On or about **September 1, 2008**, within the Southern District of California, defendant **Joyce Dafne DAVENPORT,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Jaime LOPEZ-Garcia (Defendant 2)** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **September 1, 2008**, within the Southern District of California, **Jaime LOPEZ-Garcia (Defendant 2)**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

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Signature of Complainant
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence this 2nd day of **September, 2008.**

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UNITED STATES MAGISTRATE JUDGE

DOA 09/01/08

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PROBABLE CAUSE STATEMENT

On September 1, 2008, at approximately 7:25 AM, **Joyce Dafne DAVENPORT (Defendant 1)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a 1990 red Ford Aerostar. Defendant 1 presented a State of California Department of Motor Vehicles receipt of application for identification renewal to a United States Customs and Border Protection (CBP) Officer. Defendant 1 stated to the CBP Officer she was going to San Ysidro, California. The CBP Officer obtained two negative customs declarations and noticed Defendant 1 appeared nervous. During a visual inspection of the undercarriage of the vehicle the CBP Officer observed black tar material splattered on the gas tank. A CBP Canine Enforcement Officer screened the vehicle utilizing his Narcotics and Human Detector Dog and received an alert to the gas tank area of the vehicle. Defendant and the vehicle were escorted to the secondary inspection area for a more thorough inspection. While being escorted to secondary inspection, Defendant was talkative and questioned the CBP Officer about what was wrong and what was found inside the vehicle.

In secondary inspection, CBP Officers discovered an alternate fuel source located inside the driver side panel of the vehicle. CBP Officers removed two rear bench seats and floor carpeting of the vehicle to reveal an access panel to a modified gas tank compartment. CBP Officers opened the access panel and discovered a male human being concealed inside the modified gas tank compartment. The individual was determined to be a citizen of Mexico with no entitlements to enter the United States. The individual was taken into custody and is now identified as **Jaime LOPEZ-Garcia (Defendant 2).**

During secondary inspection, Defendant 2 was queried through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query revealing Defendant's identity and linking him to FBI and Immigration records. A query of Defendant 2 in the Central Index System (CIS) revealed Defendant 2 is a citizen of Mexico. CIS indicates Defendant 2 was last ordered deported from the United States by an Immigration Judge on March 16, 2007. Service records contain no evidence that Defendant has applied for, or received permission from the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.

During a video recorded interview, Defendant was advised of her Miranda Rights, acknowledged her rights and elected to answer questions without the benefit of counsel. Defendant admitted she was hired to smuggle a person into the United States driving a vehicle. Defendant stated if successful in smuggling, she would be paid $200.00 United States dollars (USD).

During a separate video recorded interview, Defendant 2 was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant 2 admitted he is a citizen of Mexico with no legal rights or documents to enter the United States. Defendant 2 admitted he was going to pay $3,000.00 USD to be smuggled into the United States. Defendant 2 stated he was going to Anaheim, California to reunite with relatives.

Defendant 2 admitted to having been previously deported to Mexico by an Immigration Judge. Defendant 2 stated he was aware of the requirement to receive permission to legally enter the United States after having been deported by an Immigration Judge. Defendant 2 admitted he has not received permission from the United States Attorney General or the Secretary of Homeland Security to re-enter the United States.